

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

IN RE: Justin Lee Holler,)	Chapter 13
Debtor(s).)	
)	Case No: 21-31607
)	
)	Judge Paul E. Singleton

NOTICE OF MOTION AND OPPORTUNITY TO OBJECT

On September 28, 2022, Debtor, by counsel, filed a Motion to Sell Property and Distribute Proceeds of Sale. In support of the relief requested, the motion states Debtor would sell the real estate located at 770 W. Market Street, Warsaw, IN 46580. The Debtor have an offer on the property of \$180,000. Debtor will pay the existing lienholder Land Home Financial Services in full pursuant the payoff balance they provide at closing. Debtor will also pay all required costs and other expenses associated with the sale out of the proceeds. Debtor proposes to pay the Bankruptcy Estate the amount needed to pay the remaining allowed unsecured creditors in full. Debtor will retain any remaining net proceeds after the previously listed items have been paid. A copy of the Motion is attached to this notice.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, you may wish to consult one.

If you do not want the court to grant the motion, then on or before October 20, 2022 you or your attorney must:

1. File a written objection to the motion, which should explain the reasons for your objection, with the Clerk of the United States Bankruptcy Court at: United States Bankruptcy Court, Northern District of Indiana, 401 South Michigan Street, South Bend, IN 46601
2. You must also mail copies of your objection to:
Sabrina J. Kitsos, Glaser & Ebbs, 132 E. Berry Street, Fort Wayne, IN 46802
Debra L. Miller, Standing Chapter 13 Trustee, PO Box 11550, South Bend, IN 46634
US Trustee, 555 One Michiana Square, 100 East Wayne Street, South Bend, IN 46601

If you do not file an objection by the date it is due, the court may grant the relief requested without holding a hearing. If you do file an objection the court will set the motion for hearing, which you or your attorney will be expected to attend.

9-28-2022
Date

Sabrina J. Kitsos
Sabrina J. Kitsos, J.D.
Glaser & Ebbs
132 E. Berry Street
Fort Wayne, IN 46802
(260) 424-0954
Attorneys for Debtors

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of this Notice of Motion was served on the parties by placing a copy in the U.S. Mail or electronically on September 28, 2022, at the addresses listed below or attached hereto.

9-28-2022
Dated

Sabrina J. Kitsos
Sabrina J. Kitsos, J.D.
Glaser & Ebbs
132 E. Berry Street
Fort Wayne, IN 46802
(260) 424-0954
Attorneys for Debtors

SERVICE LIST:

Mr. Holler
770 W. Market Street
Warsaw, IN 46580

Trustee Debra L. Miller via ECF email

U.S. Trustee via ECF email

See Attached List

Label Matrix for local noticing
 0755-3
 Case 21-31607-pes
 Northern District of Indiana
 South Bend Division
 Filed Sep 28 17:41:48 EDT 2022

Capital One Bank (USA), N.A.
 by American InfoSource as agent
 515 N Santa Fe Ave
 Oklahoma City, OK 73118-7901

Intercoastal Financial, LLC
 954 Transit Rd. #144
 Williamsville, NY 14221-4117

WNV Funding, LLC
 Resurgent Capital Services
 PO Box 10587
 Greenville, SC 29603-0587

Mediacom Communications Corporation
 PO BOX 1931
 Burlingame, CA 94011-1931

Premier Bankcard, LLC
 Jefferson Capital Systems LLC Assignee
 PO Box 7999
 Saint Cloud MN 56302-7999

Marsaw Health System, LLC
 t/b/a Kosciusko Community Hospital
 c/o Komyatte & Casbon, P.C.
 650 Gordon Drive
 Highland, IN 46322-2909

Alliant Capital Management - HDH
 C/O WEINSTEIN & RILEY, PS
 2001 WESTERN AVE., STE 400
 SEATTLE, WA 98121-3132

Department of Treasury
 Internal Revenue Service
 P. O. Box 7346
 Philadelphia, PA 19101-7346

(p)JD RECEIVABLES LLC
 PO BOX 382656
 GERMANTOWN TN 38183-2656

Land Home Financial Services, Inc.
 1 Corporate Drive, Suite 360
 Lake Zurich, IL 60047-8945

Midland Credit Management, Inc.
 PO Box 2037
 Warren, MI 48090-2037

Quantum3 Group LLC as agent for
 CKS Prime Investments LLC
 PO Box 788
 Kirkland, WA 98083-0788

Ally Bank c/o AIS Portfolio Services, LP
 4515 N. Santa Fe Ave. Dept. APS
 Oklahoma City, OK 73118-7901

FinWise Bank
 c/o Opportunity Financial, LLC
 130 E. Randolph Street, Suite 3400
 Chicago, IL 60601-6379

Kohl's
 Peritus Portfolio Services II, LLC
 PO BOX 141509
 IRVING, TX 75014-1509

Mariner Finance, LLC
 8211 Town Center Dr.
 Nottingham, MD 21236-5904

OneMain Financial
 PO Box 3251
 Evansville, IN 47731-3251

SNOW & SAUERTEIG
 203 E. BERRY ST. STE 1100
 Fort Wayne, IN 46802-2715

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

JD Receivables LLC
 PO Box 382656
 Germantown, TN 38183

End of Label Matrix
 Mailable recipients 18
 Bypassed recipients 0
 Total 18

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

In re	Justin Lee Holler,)	Chapter 13
)	
	Debtors)	Case # 21-31607
)	
)	Judge Paul E. Singleton

DEBTOR'S MOTION TO SELL PROPERTY AND DISTRIBUTE PROCEEDS OF SALE

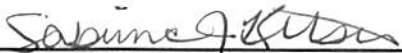
Comes now the Debtor, by counsel, and states as follows:

1. Debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code and a Chapter 13 Plan on November 30, 2021 and the plan was confirmed on 03/09/2022.
2. The Debtor would like to sell his real estate located at 770 W. Market Street, Warsaw, In 46580.
3. The Debtor has an offer to purchase the property for \$180,000. A copy of the Estimated Closing Statement is attached.
4. Debtor has a lien on the property with Land Home Financial Services. This lien will be paid in full from the sale of the property pursuant to the payoff provided at closing. This amount is estimated to be \$90,159.17. Debtor will pay the lien holder directly from the sale of the property.
5. There are also two (2) judgment liens that will be paid in full at closing to the attorneys of record for those judgments. Snow & Sauerteig estimated at \$860.50 and Robert Crane & Associates for \$4149.25. The creditors for these judgment liens were listed in the bankruptcy petition and claims were timely filed by the creditors.
6. Debtor will also pay all required fees, broker's commission costs, and other closing costs directly from the sale of the property.

7. Debtor will pay to the Chapter 13 Trustee the remaining net proceeds to be used to pay the remaining allowed bankruptcy claims.
8. Debtor will retain any remainder of the proceeds from the sale after the above-mentioned liens, costs of sale, and bankruptcy estate creditors have been paid in full.


WHEREFORE, the Debtor(s) requests that the Court grant this Motion, and grant the debtor any other relief as the Court deems just and proper.

Respectfully submitted,


Sabrina J. Kitsos, J.D.
Glaser & Ebbs
132 E. Berry Street
Fort Wayne, IN 46802
(260) 424-0954
Attorneys for Debtors

CERTIFICATE OF SERVICE

The undersigned, an Attorney, does hereby certify that a copy of the attached was mailed to the following at their respective addresses, postage prepaid, by deposit in the United States Mail on September 28, 2022.


Sabrina J. Kitsos, J.D.
Glaser & Ebbs
132 E. Berry Street
Fort Wayne, IN 46802
(260) 424-0954
Attorneys for Debtors

SERVICE LIST:

Mr. Holler
770 W. Market Street
Warsaw, IN 46580

Trustee Debra L. Miller via ECF email

U.S. Trustee via ECF email

See Attached List

American Land Title Association	ALTA Settlement Statement - Seller Adopted 05-01-2015
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File No./Escrow No.: 22-31575
 Officer/Escrow Officer:

Meridian Title Corporation
 607 W. Jefferson St.
 Plymouth, IN 46563
 (574)935-9380

Property Address: 770 WEST MARKET STREET
 WARSAW, IN 46580 (KOSCIUSKO)
 (004-702053-10)

Buyer: MIGUEL MELENDERES MUNOZ AND MARICELA BRITO ROSALES

Seller: JUSTIN L. HOLLER

Lender: Geneva Financial, LLC
 180 S. Arizona Ave, Ste 310, Chandler, AZ 85225

Settlement Date: 10/7/2022
 Disbursement Date: 10/7/2022

Description	Seller		
	P.O.C.	Debit	Credit
Deposits, Credits, Debits			
Sale Price of Property			\$180,000.00
Prorations			
County Taxes 1/1/2022 to 10/7/2022 @ \$688.54/Year		\$526.31	
Payoffs			
Payoff of First Mortgage Loan to Land Home Financial Services		\$90,159.17	
Payoff of Second Mortgage Loan to Snow & Sauerteig, LLP		\$860.50	
Payoff to Robert Crane & Associates, LLC		\$4,149.25	
Commissions			
Real Estate Commission to Listing Leaders North Central Indiana		\$6,480.00	
Real Estate Commission to RE/MAX Results		\$4,320.00	
Admin Fee to Listing Leaders North Central Indiana		\$365.00	
Title Charges			
Title - Owner's Title Insurance to Meridian Title Corporation		\$480.00	
Title - Closing Fee to Meridian Title Corporation		\$187.50	
Title - Title Production - Owners to Meridian Title Corporation		\$200.00	
Title - TIEFF to First American Title Insurance Company		\$5.00	
Title - CPL - Seller to First American Title Insurance Company		\$25.00	
Title - Deed Preparation - Andrew R. Drake to Meridian Title Corporation		\$75.00	
Title - Wire Fee to Meridian Title Corporation		\$25.00	
Additional Settlement Charges			
2021/2022 Fall Property Taxes to Kosciusko County Treasurer		\$344.27	
	P.O.C.	Debit	Credit
Subtotals	\$0.00	\$108,202.00	\$180,000.00
Due To Seller		\$71,798.00	
Totals	\$0.00	\$180,000.00	\$180,000.00

Acknowledgement

We/I have carefully reviewed the ALTA Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the ALTA Settlement Statement. We/I authorize Meridian Title Corporation to cause the funds to be disbursed in accordance with this statement.

SELLER(S)

JUSTIN L. HOLLER

PRELIMINARY